

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION**

**CitiFinancial Mortgage Company, Inc.,
Successor in interest to Associates Home
Equity Services, Inc.**

Plaintiff

vs.

Dale G. West, et al

Defendants.

Case No. 1:04-CV-1918

**Judge ~~M. W. A.~~ Adams
Magistrate Judge Perelman**

Parcel No.: 646-33-030

FORECLOSURE

**ORDER CONFIRMING U.S. MARSHAL'S SALE, ISSUING DEED, AND
DISTRIBUTING PROCEEDS**

This cause came to be heard on Motion of the Plaintiff, CitiFinancial Mortgage Company, Inc., Successor in interest to Associates Home Equity Services, Inc., for an Order confirming sale and return made by the United States Marshal thereon. The Court, on careful examination of the proceedings of the U.S. Marshal, being satisfied that the same has been in all aspects in conformity to the law and Orders of this Court, it is ordered that said proceedings and sale of the real and personal property which are the subject of this action be and are approved and confirmed.

IT FURTHER APPEARING to the Court that Plaintiff, CitiFinancial Mortgage Company, Inc., Successor in interest to Associates Home Equity Services, Inc., was the successful bidder at the sale held on February 25, 2005, for the sum of \$104,888.89, representing the purchase price of the real and personal property which are the subject of this action and which parcel of real property is located at 1534 East 222nd St., Euclid, Ohio 44117, and is described as follows:

Situated in the City of Euclid, County of Cuyahoga and State of Ohio:

And known as being Sublot No. 88 in the Bliss-Euclid Avenue Allotment of part of Original Euclid Township Tract No. 14, as shown by the recorded plat in Volume 26 of Maps, Page 20 of Cuyahoga Records and being 60 feet front on the Westerly side of East 222nd Street, (formerly Bliss Road) and extending back 128.97 feet on the Northerly line, 124.34 feet on the Southerly line and having a rear line of 60.178 feet, as appears by said plat.

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IT FURTHER APPEARING to the Court that the bid made for such property was fair and reasonable and reasonably approximates the value of such real and personal property.

IT FURTHER APPEARING to the Court that the purchaser, CitiFinancial Mortgage Company, Inc., Successor in interest to Associates Home Equity Services, Inc., is also the holder of a certain mortgage lien against the real property which is second in priority only to the real estate taxes owed to the Cuyahoga County Treasurer. Plaintiff is entitled to the balance of proceeds of sale hereafter payment of the costs thereof. The United States Marshal is hereby directed to credit Plaintiff toward its purchase price of said real property the amount Plaintiff would otherwise be entitled to take from proceeds of sale based ^{upon} ~~up on~~ its lien interest which exceeds the entire purchase price.

IT IS THEREFORE ORDERED that the United States marshal shall convey the real property so sold by deed according to law to Plaintiff, the successful bidder at the sale, and a Writ of Possession os ordered to place the purchaser in possession of the real and personal property and the United States Marshal is hereby directed to execute on such Writ of Possession to the extent necessary.

IT IS FURTHER ORDERED that the United States Marshal convey to CitiFinancial Mortgage Company, Inc., Successor in interest to Associates Home Equity Services, Inc., whose address is 1111 Northpoint Drive, Bldg. 4, Suite 100, Coppell, TX 75019 , a deed for the lands and tenements described herein.

IT IS FURTHER ORDERED that upon recording of a certified copy of this Entry, the Cuyahoga County Recorder shall cause the release and satisfaction of the following mortgage liens on the real property subject to this action which property is described above and incorporated herein by reference:

Mortgage in favor of Associates Home Equity Services, Inc., 525 Metro Place North, Suite 485, Dublin, OH 43017, from Dale G. West and Judy C. Powell aka Judy C. West, husband and wife, in the amount of \$121,986.04, dated April 29, 1998, filed May 6, 1998, recorded in Official Records Volume 98-05409, page 1, Recorder's Office, Cuyahoga County, Ohio.

The United States Marshal is hereby further directed to apply the proceeds as follows:

1. To the United States Marshal's office, reimbursement of costs of the Marshal's sale and United States Marshal fees to the extent not paid by Plaintiff prior to the date hereto, in the amount of \$0.00.
2. To the Cuyahoga County Treasurer, real estate taxes, assessments, penalties and interest in the amount of \$3,396.68.
3. The remaining proceeds of sale shall be credited toward the purchase price of CitiFinancial Mortgage Company, Inc., Successor in interest to Associates Home Equity Services, Inc., representing partial satisfaction of its mortgage lien thereof, in the amount of \$133,603.32.
4. The balance of the sale proceeds, if any, shall be held by the United States Marshal to await further distribution orders by this Court.

IT IS SO ORDERED.

Dated: October 28, 2005

/s/ John R. Adams
Judge ~~Maria~~ Adams